

shall remain in effect until such time as the Secretary finds—

“(i) that the operator has exceeded the average ratio of preventable accidents to vehicle miles travelled for a period of 12 months for the class of vehicles with a gross vehicle weight of at least 10,001 pounds but not more than 26,000 pounds; or

“(ii) that such operator’s exemption is not in the public interest and would result in a significant adverse impact on the safety of commercial motor vehicles.

“(C) FACTORS.—In approving applications under the program established by this paragraph, the Secretary shall—

“(i) ensure that applicants in the program represent a broad cross-section of fleet size and operators of vehicles between 10,000 and 26,000 pounds; and

“(ii) to the extent feasible, ensure participation by as many qualified applicants as possible.

“(D) LIMITATION.—The Secretary shall not grant the exemptions set forth in subparagraph (A) to vehicles—

“(i) designed to transport more than 15 passengers; including the driver; or

“(ii) used in transporting material found by the Secretary to be hazardous under section 5103 of this title and transported in a quantity requiring placarding under regulations prescribed by the Secretary under such section 5103.

“(E) EMERGENCIES.—The Secretary may revoke or modify the participation of an operator in the program established by this section in the case of an emergency.

“(3) REVIEW OF REGULATIONS.—The Secretary shall conduct a zero-based review of the need and the costs and benefits of all regulations issued under this section and sections 504 and 31502 of this title to determine whether such regulations should apply to vehicles weighing between 10,000 and 26,000 pounds. The review shall focus on the appropriate level of safety and the paperwork and regulatory burdens of such regulations as they apply to operators of vehicles weighing between 10,000 and 26,000 pounds. The Secretary shall complete the review within 18 months after the date of the enactment of this paragraph. Upon completion of the review, the Secretary shall grant such exemptions or modify or repeal existing regulations to the extent appropriate.”

SEC. 355. TECHNICAL AMENDMENT.

Notwithstanding section 101(a) of title 23, United States Code, the projects described in section 149(a)(62) of Public Law 100-17 and section 1 of Public Law 100-211 shall be eligible under section 204 of title 23, United States Code.

SEC. 356. SAFETY REPORT.

Not later than September 30, 1997, the Secretary of Transportation, in cooperation with any State which raises any speed limit in such State to a level above the level permitted under section 154 of title 23, United States Code, as such section was in effect on September 15, 1995, shall prepare and submit to the Congress a study of—

(1) the costs to such State of deaths and injuries resulting from motor vehicle crashes; and

(2) the benefits associated with the repeal of the national maximum speed limit.

SEC. 357. OPERATION OF MOTOR VEHICLES BY INTOXICATED MINORS.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by adding at the end the following:

“§ 161. National standard to prohibit the operation of motor vehicles by intoxicated minors

“(a) WITHHOLDING OF APPORTIONMENTS FOR NONCOMPLIANCE.—

“(1) FISCAL YEAR 1999.—The Secretary shall withhold 5 percent of the amount required to be apportioned to any State under each of paragraphs (1), (3), and (5) of section 104(b) on October 1, 1998, if the State does not meet the requirement of paragraph (3) on such date.

“(2) THEREAFTER.—The Secretary shall withhold 10 percent (including any amounts withheld under paragraph (1)) of the amount required to be apportioned to any State under each of paragraphs (1), (3), and (5) of section 104(b) on October 1, 1999, and on October 1 of each fiscal year thereafter, if the State does not meet the requirement of paragraph (3) on such date.

“(3) REQUIREMENT.—A State meets the requirement of this paragraph if the State has enacted and is enforcing a law that makes unlawful throughout the State the operation of a motor vehicle by an individual under the age of 21 who has a blood alcohol concentration of 0.02 percent or greater.

“(b) PERIOD OF AVAILABILITY; EFFECT OF COMPLIANCE AND NONCOMPLIANCE.—

“(1) PERIOD OF AVAILABILITY OF WITHHELD FUNDS.—

“(A) FUNDS WITHHELD ON OR BEFORE SEPTEMBER 30, 2000.—Any funds withheld under subsection (a) from apportionment to any State on or before September 30, 2000, shall remain available until the end of the third fiscal year following the fiscal year for which such funds are authorized to be appropriated.

“(B) FUNDS WITHHELD AFTER SEPTEMBER 30, 2000.—No funds withheld under this section from apportionment to any State after September 30, 2000, shall be available for apportionment to such State.

“(2) APPORTIONMENT OF WITHHELD FUNDS AFTER COMPLIANCE.—If, before the last day of the period for which funds withheld under subsection (a) from apportionment are to remain available for apportionment to a State under paragraph (1), the State meets the requirement of subsection (a)(3), the Secretary shall, on the first day on which the State meets such requirement, apportion to the State the funds withheld under subsection (a) that remain available for apportionment to the State.

“(3) PERIOD OF AVAILABILITY OF SUBSEQUENTLY APPORTIONED FUNDS.—Any funds apportioned pursuant to paragraph (2) shall remain available for expenditure until the end of the third fiscal year following the fiscal year in which such funds are so apportioned. Sums not obligated at the end of such period shall lapse or, in the case of funds apportioned under section 104(b)(5), shall lapse and be made available by the Secretary for projects in accordance with section 118.

“(4) EFFECT OF NONCOMPLIANCE.—If, at the end of the period for which funds withheld under subsection (a) from apportionment are available for apportionment to a State under paragraph (1), the State does not meet the requirement of subsection (a)(3), such funds shall lapse or, in the case of funds withheld from apportionment under section 104(b)(5), such funds shall lapse and be made available by the Secretary for projects in accordance with section 118.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following:

“161. National standard to prohibit the operation of motor vehicles by intoxicated minors.”

SEC. 358. EFFECTIVENESS OF DRUNK DRIVING LAWS.

The Secretary shall conduct a study to evaluate the effectiveness on reducing drunk driving of laws enacted in the States which allow a health care provider who treats an individual involved in a vehicular accident to report the blood alcohol level, if known, of such individual to the local law enforcement agency which has jurisdiction over the accident site if the blood alcohol concentration level exceeds the maximum level permitted under State law.

Amend the title so as to read: “An Act to amend title 23, United States Code, to designate the National Highway System, and for other purposes.”

Mr. CHAFEE. Mr. President, I move that the Senate disagree with the House amendments and agree to a request for a conference, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer appointed Mr. WARNER, Mr. CHAFEE, Mr. SMITH, Mr. KEMPTHORNE, Mr. BAUCUS, Mr. MOYNIHAN, Mr. REID and from the Committee on Commerce, Science, and Transportation, solely for matters within their jurisdiction, Mr. PRESSLER, Mr. LOTT, and Mr. HOLLINGS, conferees on the part of the Senate.

ORDERS FOR TUESDAY, SEPTEMBER 26, 1995

Mr. BOND. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 9:30 a.m. on Tuesday, September 26, 1995; that following the prayer, the Journal of proceedings be deemed approved to date; the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of H.R. 2099, the VA-HUD appropriations bill. I further ask unanimous consent that the Senate resume consideration of the Bumpers amendment numbered 2776 regarding the space station at 11 a.m. on Tuesday, and there be 90 minutes of debate equally divided in the usual form, and following the debate the Senate stand in recess until the hour of 2:15 p.m. for the weekly policy conferences to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Mr. President, I further ask unanimous consent that at 2:15 the Senate proceed to 4 minutes equally divided in the usual form to be followed by a vote on or in relation to the Bumpers amendment numbered 2776.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BOND. Mr. President, for the information of all Senators, the Senate will resume consideration of VA-HUD operations appropriations bill tomorrow morning at 9:30. Under the previous order, there will be a rollcall vote at approximately 2:20 on or in relation to the Bumpers space station amendment. Additional rollcall votes can be expected throughout Tuesday’s session, day and night, in order to finish action on the VA-HUD appropriations bill.

As a reminder, the majority leader has announced once all the necessary appropriations items are completed the Senate would then stand in recess until Tuesday, October 10.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. BOND. Mr. President, if there is no further business to come before the

Senate, I now ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 6:38 p.m., recessed until Tuesday, September 26, 1995, at 9:30 a.m.

NOMINATION

Executive nomination received by the Secretary of the Senate September 22, 1995, under authority of the order of the Senate of January 4, 1995:

DEPARTMENT OF STATE

JIM SASSER, OF TENNESSEE, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE PEOPLE'S REPUBLIC OF CHINA. VerDate 20-SEP-95 02:15 Oct 03, 1995 Jkt 010199 PO 0000